



Greg Ruffing / Redux for Newsweek

The Color of Change

Why are we still debating whether race should be a factor in college admissions?

Prop Stopper?: A University of Michigan student hands out literature opposing Proposition 2

By Ellis Cose

Newsweek

Nov. 13, 2006 issue - Affirmative action may not be the most divisive issue on the ballot, but it remains an unending source of conflict and debate—at least in Michigan, whose citizens are pondering a proposal that would ban affirmative action in the public sector. No one knows whether other states will follow Michigan's lead, but partisans on both sides see the vote as crucial—a decision that could either help or hinder a movement aimed at ending "preferential treatment" programs once and for all.

Ward Connerly has no doubts about the outcome. "There may be some ups and downs ... with regard to [affirmative action], but it's ending," says Connerly, the main mover behind the Michigan proposal, who pushed almost identical propositions to passage in California 10 years ago and in Washington state two years later. His adversaries are equally passionate. "I just want to shout from the rooftops, 'This isn't good for America'," says Mary Sue Coleman, president of the University of Michigan. She sees no need for

Michigan to adopt the measure. "We have a living experiment in California, and it has failed," says Coleman.

Wade Henderson, executive director of the Leadership Conference on Civil Rights, sees something deeply symbolic in the battle. Michigan, in his eyes, is where resegregation began—with a 1974 U.S. Supreme Court decision that tossed out a plan to bus Detroit children to the suburbs. Henderson sees that decision as a prelude to the hypersegregation that now defines much of Michigan. The Supreme Court is currently considering two new cases that could lead to another ruling on how far public school systems can go in their quest to maintain racial balance.

All of which raises a question: why are we still wrestling with this stuff? Why, more than a quarter of a century after the high court ruled race had a legitimate place in university admissions decisions, are we still fighting over whether race should play a role? Why are we still debating whether programs that attempt to address America's history of discrimination against women and minorities belong in the public sphere?

One answer is that the very idea of affirmative action—that is, systematically treating members of various groups differently in the pursuit of diversity or social justice—strikes some people as downright immoral. For to believe in affirmative action is to believe in a concept of equality turned upside down. It is to believe that "to treat some persons equally, we must treat them differently," as the idea was expressed by U.S. Supreme Court Justice Harry Blackmun.



Sandy Huffaker / AP

Round Two: Gratz lost her '03 case, but is pushing for a new ban

That argument has never been an easy sell, even when made passionately by President Lyndon B. Johnson during an era in which prejudice was thicker than L.A. smog. Now the

argument is infinitely more difficult to make. Even those generally supportive of affirmative action don't like the connotations it sometimes carries. "No one wants preferential treatment, including African-Americans," observed Ed Sarpolis, vice president of EPIC-MRA, a Michigan polling firm.

In 2003, the Supreme Court upheld the University of Michigan's right to use race in the pursuit of "diversity," even as it condemned the way the undergraduate school had chosen to do so. The decision left Jennifer Gratz, the named plaintiff, fuming. "I called Ward Connerly ... and I said, 'We need to do something about this'," recalled Gratz, an animated former cheerleader. They decided that if the Supreme Court wouldn't give them what they wanted, they would take their case—and their proposition—directly to the people.

Californians disagree about the impact of Connerly's proposition on their state. But despite some exceedingly grim predictions, the sky did not fall in. Most people went about their lives much as they always had.

This is not to say Proposition 209 had no effect. In two areas—minority enrollment in the state's top public universities and contracts awarded to women and minorities—the vote was a watershed event. In 1998, the University of California, Berkeley, admitted less than half the number of blacks it had the previous year and nearly half the number of Latinos. At UCLA, the numbers of incoming "underrepresented" minorities also dropped precipitously. At the law schools, the falloff was startling. In 1997, Berkeley's law school enrolled only one black first-year student out of a total of 268. UCLA did not fare much better.

This summer, UCLA projected its lowest black enrollment (96 prospective students out of nearly 5,000 freshmen) in more than three decades. Partly in response, UCLA's academic senate approved a "holistic" admissions process, meaning the university would focus on the whole student—not just the academics—and hope for a more diverse student body.

The impact of Proposition 209 on small entrepreneurs was even more striking. In the preproposition years, it was easy to find minority firms to work on major transportation projects, said Frederick Jordan, founder of F.E. Jordan Associates, a civil and environmental engineering firm. But "all the firms were wiped out. In 1996 in San Francisco I could've produced 10 or 15 African-American firms that could do any kind of work. Today, I can't find anybody—zero, zero." A study released by the Discrimination

Research Center confirms that only a third of minority enterprises certified to do business with the California Department of Transportation in 1996 are still in operation.

Before the proposition passed, its proponents were fond of arguing that minority students would be happier since they would finally be free of the "stigma" associated with affirmative action. Kimberly Griffin, a black UCLA graduate student, says they were wrong: "People on campus ... think there's still affirmative action and there are still quotas. So they're like, 'How could there be so many black or brown people here if there's no affirmative action?' "

It is also far from clear, as proponents of Proposition 209 insisted would be the case, that barring consideration of race results in a better match between university and student. Or that it improved graduation rates, since students who got into school on the basis of "merit," as opposed to affirmative action, supposedly would be more likely to succeed. On those questions the evidence, at best, seems mixed.

Despite the California experience, few people involved in the early debates seem much interested in revising their old assumptions. The cold reality is that affirmative action is simply not as powerful—in either a negative or a positive sense—as many people assumed.

Affirmative action was never meant to carry the weight society threw on its shoulders. It was never supposed to rescue the poor, enlighten the illiterate or feed the hungry. It was not meant to make up for the inadequacies of a bad K-12 education. It was a modest attempt to give a bit of a boost to a handful of folks from a race of people who had been unfairly held back for centuries. But because the nation lacked the will or knowledge to solve the big problems, we charged affirmative action with doing it all. So though the public often saw it as a powerful force, ruthlessly crushing white male aspirations and elevating hordes of minorities and women, its actual impact was rather small (albeit crucial in certain areas).

The choice America faces is not about ending affirmative action—at some point, as both its critics and defenders agree, the affirmative-action tugboat will run out of steam. The question is whether, before that happens, society will find the will and resources to vanquish the problems that gave rise to it in the first place. No child chooses to be born into poverty with parents who are semiliterate or to live in neighborhoods where the schools are little more than holding pens. The cause of early-childhood education would seem a natural for the proponents of anti-affirmative action initiatives. Yet, for the most

part, they seem uninterested in that fight which, if successful, really could render affirmative action irrelevant.

In a sane world, the battle in Michigan, and indeed the battle over affirmative action writ large, would offer an opportunity to seriously engage a question the enemies and defenders of affirmative action claim to care about: how do you go about creating a society where all people—not just the lucky few—have the opportunities they deserve? It is a question much broader than the debate over affirmative action. But until we begin to move toward an answer, the debate over affirmative action will continue—even if it is something of a sideshow to what should be the main event.

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